REMARKS

Applicants have amended claims 11, 21 and 26 during prosecution of this patent application. Applicants are not conceding in this patent application that said amended claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicants respectfully reserve the right to pursue said amended and canceled claims, and other claims, in one or more continuations and/or divisional patent applications.

The Examiner objected to claim 26 because of the following alleged informalities: in line 7, replace "into a data partition of" by --- into a data partition---.

In response, Applicants have so amended claim 26.

The Examiner rejected claims 26-30 under 35 U.S.C. § 101 because the claimed invention is allegedly not supported by either a credible asserted utility or a well established utility.

The Examiner rejected claims 26-30 under 35 U.S.C. § 112, first paragraph.

The Examiner rejected claims 1-30 on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-20 of U.S. Patent No. 7,103,832.

Applicant respectfully traverses the claim objections, § 101 and § 112, and double patenting rejections with the following arguments.

35 U.S.C. § 101

The Examiner rejected claims 26-30 under 35 U.S.C. § 101 because the claimed invention is allegedly not supported by either a credible asserted utility or a well established utility.

The Examiner stated, "Independent claim 26 defines 'a method of designing a circuit, the method comprising:distributing a current cyclic redundancy check (CRC) remainder XOR calculation of a redundancy check circuit into a remainder partition comprising multiple levels of remainder XOR subtrees and having remainder latches between said levels of remainder XOR subtrees; and distributing a packet data slice XOR function of said redundancy check circuit into a data partition comprising multiple levels of data XOR subtrees and having data latches between said levels of data XOR subtrees'. A useful result is not achieved under the practical application requirement. The claimed invention as a whole must produce a "useful, concrete and tangible" result to have a practical application."

In response, Applicants have amended claim 26, indicate a CRC circuit is being designed which is of well-known utility and to add a step of " storing a design of said cyclic redundancy check circuit based on steps (a) and (b) on a computer readable storage media" which is tangible result and is a well-known step in designing integrated circuits.

Applicants maintain claim 26, as amended, is not rejectable under 35 U.S.C. 101 and is in condition for allowance. As claims 25-30 depend from claim 26, Applicants likewise maintain claims 25-30 are in condition for allowance.

35 U.S.C. § 112, First Paragraph

The Examiner rejected claims 26-30 under 35 U.S.C. § 112, first paragraph.

The Examiner stated "Specifically, since the claimed invention is not supported by either a credible asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention."

In response, Applicants have amended claim 26, indicate a CRC circuit is being designed which is of well-known utility and to add a step of " storing a design of said cyclic redundancy check circuit based on steps (a) and (b) on a computer readable storage media" which is tangible result and is a well-known step in designing integrated circuits.

Applicants maintain claim 26, as amended, is not rejectable under 35 U.S.C. § 112, first paragraph, and is in condition for allowance. As claims 25-30 depend from claim 26, Applicants likewise maintain claims 25-30 are in condition for allowance.

Double Patenting

The Examiner rejected claims 1-30 on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-20 of U.S. Patent No. 7,103,832.

The Examiner stated, " a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b)."

In response, Applicants attached a Terminal Disclaimer to the present Office Response. Applicants contend that, in light of Applicants Terminal Disclaimer, claims 1-30 are in condition for allowance.
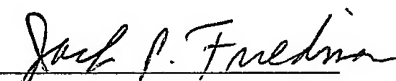
CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0456 (IBM).

Respectfully submitted,
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BY:

Dated: 08/13/2007

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Attached: Terminal Disclaimer